REMARKS

This is in response to the Office Action mailed December 13, 2004. The application was filed with Claims 1-7. New claims 8-9 are presented for examination. In response to the restriction requirement, Claims 1-3 and 6-7 were elected. Claims 1 and 6 are generic. Claims 1-3 and 6-7 stand rejected under 35 USC §102. This rejection is respectfully traversed. As amended, the application contains Claims 1-9.

Specification

In the Office Action, the Examiner has objected to the format of the Abstract. Accordingly, a replacement Abstract has been provided. Replacement paragraphs [018] and [020] of the Specification have also been provided in order to correct a typographical error.

Rejection Under 35 USC § 102

Claims 1-3 and 6-7 stand rejected under 35 USC §102(b) as being anticipated by Hess et al. US Patent No. 6 196 219. This rejection is respectfully traversed.

It is well established that in order for a claim to be anticipated by a reference, each and every limitation of the claim must be found in that reference. Hess et al. '219 discloses a liquid droplet spray device for an inhaler that comprises a microdosing device with a dosing chamber for receiving a liquid quantity and with which is associated a discharge opening. The microdosing device includes a vibrating unit in operative connection with at least one boundary surface of the dosing chamber. The vibrating unit is disclosed as a piezoelectric element that is controllable for activation during the duration of an atomization cycle. The microdosing unit is also disclosed as including a flexible heating surface for heating the liquid to a predetermined temperature that is advantageous for dispersal. The heating element is also disclosed as being capable of contributing, at the end of the atomization cycle, to the evaporation of any

liquid left in the dosing chamber, and that the vibrating unit may continue operation for a predetermined time after the inhalation cycle has ended.

Hess et al. '219 does not disclose that the microdosing device is configured for an independent drying cycle of the vibrating unit or for a time-separated drying time of any configuration. Rather, Hess et al. '219 discloses that the vibrating unit may continue after the inhalation cycle has been completed, in conjunction with the heating element. This arrangement has the disadvantage that any residue remaining in the dosing chamber may be introduced into the inhalation cycle, resulting in imprecise dosing by the microdosing device.

The microdosing device according to the claimed invention overcomes this disadvantage by providing a distinct, time-separated drying of the dosing chamber. By providing a time-separated drying time for removing residue from the dosing chamber, the microdosing device ensures a more precise dosing, in that the user, for example, is no longer inhaling during the drying time. Hess et al. '219 clearly does not disclose this feature of the claimed invention. Therefore, claim 1 and 6 are not anticipated by Hess et al. '219. Claims 2-5 and 7, which depend from Claims 1 and 6, are also therefore not anticipated by Hess et al. '219. Withdrawal of the rejection and reconsideration of the claims is therefore respectfully requested.

Conclusion

In light of the foregoing amendments and remarks, it is believed that the claims are in condition for allowance. Previously withdrawn claims 4-5 depend from allowable claim 1, and should therefore also be in condition for allowance. Early notice of allowability is courteously solicited. In the

interest of expediting prosecution of this application, the Examiner is invited to contact the undersigned if necessary.

Respectfully submitted,

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